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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,714	01/30/2001	Kurt E. Spears	10007856-1	2193

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

GIBBS, HEATHER D

ART UNIT PAPER NUMBER

2622

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,714

Applicant(s)

SPEARS, KURT E.

Examiner

Heather D Gibbs

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18, 19 and 21 is/are allowed.
- 6) ☒ Claim(s) 16, 17 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/30/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on 09/10/2004 has been entered and made of record. Claims 1-15 have been cancelled. Claims 16-21 are pending.

Response to Arguments

2. Applicant's arguments filed have been fully considered but they are not persuasive. Applicant argues, "Brandkamp et al do not teach or suggest monitoring the intensity of the illumination, along substantially the length of the scanline." Brandkamp teaches this limitation in Col 4 Lines 7-17. The processor 34 sensed by changes in the lamp performs monitoring of the intensity. Applicant also argues "...there is no teaching or suggestion in Brandkamp et al. for modifying an output of an imaging array in response to the intensity being monitored." Upon further review, the Examiner finds this to be implied in Col 4 Lines 7-13 when Brandkamp states "This gain is updated on a scan line by scan line basis..." Lastly, Hou DOES teach of the color of illumination being monitored along substantially the entire length of the scanline. See Col 7 Lines 20-34.
3. Applicant's arguments, see Page 8, with respect to Claim 21 have been fully considered and are persuasive. The rejection of Claim 21 has been withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 16,20 are rejected under 35 U.S.C. 102(b) as being anticipated by Brandkamp et al (US 5,153,745).

Regarding claim 16, Brandkamp teaches of a method of compensation for illumination variation in an image scanner, comprising: initiating image scanning, as soon as sufficient illumination is available, without waiting for illumination to stabilize (Col 4 Lines 36-48); monitoring the intensity of the illumination, along substantially the entire length of a scanline, during scanning, during scanning (Col 4 Lines 53-57); and modifying an output of an imaging array, during scanning, in response to the intensity being monitored (Col 4 Lines 7-10).

Considering claim 20, Brandkamp teaches wherein each time the step of monitoring the intensity of illumination is performed, the following step is performed more than one time: measuring intensity values along a scanline (Col 6 Lines 1-8;Fig 5).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brandkamp et al (US 5,153,745) in view of Hou (US 6, 054, 707).

Brandkamp discloses a method of compensation for illumination variation in an image scanner as discussed above in claim 16.

Brandkamp does not disclose expressly monitoring the color of the illumination, along substantially the entire length of the scanline, during scanning.

Hou discloses color illumination steps performed along the scanline while scanning (Col 6 Lines 48-67; Fig 5B).

Brandkamp & Hou are combinable because they are from the same scope of nature.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Brandkamp as to be compatible with Hou.

The suggestion/motivation for doing so would have been as both systems relate to providing an illumination system throughout a scanner system.

Therefore, it would have been obvious to combine Brandkamp with Hou to obtain the invention as specified in claim 17.

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Allowable Subject Matter

8. Claims 18-19,21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D Gibbs whose telephone number is 703-306-4152. The examiner can normally be reached on M-F 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax


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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Heather D Gibbs
Examiner
Art Unit 2622

hdg


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER